

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 BRICK S. HOUSTON, JR.,

9 Plaintiff(s),

10 v.

11 WEIR, et al.,

12 Defendant(s).

Case No.: 2:18-cv-00033-GMN-NJK

ORDER

(Docket No. 43)

13 Pending before the Court is Plaintiff's motion to extend time for service. Docket No. 43.¹
14 The motion is properly resolved without a hearing. *See* Local Rule 78-1.

15 Plaintiff submits that "it was impossible to serve [] Defendants within 90 days" due to
16 Defendants' alleged failure to produce their "phone numbers or badge numbers" so that the U.S.
17 Marshal could effect service. *See* Docket No. 43 at 1. Plaintiff further submits that he now has
18 the badge numbers for Defendants, after requesting them at the Clark County Detention Center
19 (CCDC) on March 10, 2020. *Id.* at 2.

20 The Court has some concerns about Plaintiff's diligence in moving this case forward.
21 Nonetheless, because Plaintiff has made some recent effort to get that information and now has it,
22 the Court will grant Plaintiff's motion.

23 Accordingly, the Court **GRANTS** Plaintiff's motion. Docket No. 43. The Court
24 **INSTRUCTS** the Clerk of Court to (1) issue summonses for Defendants Deas, Kincade, Kelsey,
25 and Synder and deliver the same to the U.S. Marshal for service; (2) send Plaintiff four USM-285s;
26

27
28 ¹ Plaintiff's motion is erroneously titled a motion to stay the case; however, the relief he requests is an extension of the time for service.

1 and (3) send a copy of the First Amended Complaint, Docket No. 5, and a copy of this order to the
2 U.S. Marshal for service on Defendants.

3 The Court **ORDERS** that, no later than May 22, 2020, Plaintiff must furnish to the U.S.
4 Marshal the required USM-285s with relevant information as to each Defendant on each form. If
5 Plaintiff furnishes those documents to the U.S. Marshal by May 22, 2020, the U.S. Marshal shall
6 then attempt to serve Defendants.

7 The Court further **ORDERS** that Plaintiff must file a notice with the Court identifying
8 whether Defendants were served within twenty days after receiving back from the U.S. Marshal a
9 copy of the USM-285s showing whether service has been accomplished. If service was not
10 accomplished and Plaintiff wishes to have service again attempted on Defendants, Plaintiff must
11 file a separate motion with the Court specifying a more detailed name or address for Defendants,
12 or whether some other manner of service should be attempted.

13 **Failure to comply with this order will result in the recommended dismissal of this**
14 **case.**

15 IT IS SO ORDERED.

16 Dated: April 23, 2020

17
18 
19 _____
20 Nancy J. Koppe
21 United States Magistrate Judge
22
23
24
25
26
27
28